IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 481 OF 2005.

Goa Shipyard Stores Staff Association,
a registered Association,
having its office at
Goa Shiptyard, Vasco-da-Gama,
through its President/
Secretary Vishwas D. Honavarkar,
resident of New Vaddem,
Vasco-da-Gama, Goa. .... Petitioner.

Versus

1. Goa Sahipyard Ltd.,
   a Govt. Of India Undertaking,
   registered under the
   Companies Act, 1956,
   through its Chairman
   and Managing Director,
   having its office at Vaddem,
   Vasco-da-Gama, Goa.

2. Union of India,
   through the Ministry of Defence,
   Department of Defence,
   Production and Supplies,
   Shashtri Bhavan, New Delhi. .... Respondents.

Shri K. Sardessai with Shri V.A. Lawande, Advocates for the Petitioner.

Shri M.S. Usgaonkar, Senior Advocate with Shri Sudesh Usgaonkar, Advocate for the Respondent No.1.

Shri C.A. Ferreira, Assistant Solicitor General for the Respondent No.2.

CORAM: KSHITIJ R. VYAS, C.J. &
SMT. RANJANA P. DESAI, J.

DATE: 6th JUNE, 2006.

ORAL ORDER: (PER KSHITIJ R. VYAS, C.J.)

Heard the learned counsel appearing for the parties.

2. The grievance voiced by the petitioner-Goa Shipyard Store-Keepers Association is to the effect that the members of the Association, even though they are entitled to get the pay scales as per Justice Mohan Committee Report with effect from 1.4.1998, they are denied the same by the respondent/management. It is the contention of the respondent that since the members of the Petitioner-Association have accepted the settlement dated 6.9.2002, no other benefits can be made available, so long as the said settlement subsists, that is to say till 31st December, 2006. Therefore the dispute that arises for consideration is whether the members of Petitioner-Association who are Storekeepers are discriminated in the matter of extension of benefits of Mohan Committee Report and whether acceptance of the benefits of settlement dated 6.09.2002 bars the members of Petitioner-Association from receiving the benefits under Justice Mohan Committee report with effect from 1.04.1998. These disputes, in our opinion, cannot be resolved in a Petition under Article 226 of the Constitution of India, as the same can be adjudicated and resolved by the Industrial Tribunal in a reference under Section 10 of the Industrial Disputes Act.

3. The learned counsel for the petitioner, in response to our query, has agreed to approach the industrial forum by way of joint reference. Since the learned counsel appearing for the respondent, has reservation on joint reference, if the following order is passed, that would serve the ends of justice and will save public time.

4. The petitioner shall make a representation to the State Government for reference of the dispute under Section 10 of the Industrial Disputes Act for adjudication. On receipt of the same, the State Government shall consider the same and initiate proceedings for making the reference under Section 10 of the Industrial Disputes Act within six weeks from the date of receipt of the representation. The Indus trial Tribunal shall adjudicate the reference as expeditiously as possible, preferably within a period of six months from the date of the reference.

Petition stands disposed of with the above directions.

KSHITIJ R. VYAS, C.J.

SMT. RANJANA P. DESAI, J.

sl.